

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Allocation of County Penalty Assessment Funds

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Purpose

To provide a review and evaluation process for responding to requests for funds from Penalty Assessment revenues pursuant to Government Code 76000 (Chapter 12).

Background

Government Code 76000 provides for the collection of additional surcharges on every fine, penalty or forfeiture. The Government Code establishes specific uses of these penalty assessments as follows:

76100 Courthouse Construction Fund: acquisition, rehabilitation, construction, and financing of courtrooms and related space. (Operation and maintenance activities are not eligible.)

76101 Criminal Justice Facilities Construction Fund: construction, reconstruction, expansion, improvement, operations, or maintenance of county criminal justice and court facilities and for improvement of criminal justice automated information systems.

76102 County Automated Fingerprint Identification Fund: purchase, lease, operation and maintenance of automated fingerprint equipment compatible with CAL ID system.

76103 Forensic Laboratory Fund: construction, expansion, improvement, operation or maintenance of forensic lab facilities.

76104 County Emergency Medical Services Fund: supporting emergency medical services pursuant to Chapter 2.5 of the Health and Safety Code.

Interest earned by the forensic lab and emergency medical services accounts will be deposited in those accounts as authorized by the statute.

Policy

It is the policy of the Board of Supervisors that the following shall apply: Funding priorities and process are used to determine projects eligible for funding. Even though the Government Code is specific regarding funding for the Emergency Medical Services Fund and allows separate funding for the Forensic Laboratory Fund and Automated Fingerprint Identification Fund, annual spending plans are required for all Funds. The funding plans must be submitted as part of the CAO's proposed annual budget. It is the

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intent of the Board of Supervisors to retain as much flexibility as permitted by law in the allocation of revenues and interest to each Trust Fund.

Because the Courthouse Construction Fund does not allow for operation and maintenance activities and the Criminal Justice Facilities Construction Fund does, the Courthouse construction Fund will be used only for rents, leases and debt service payments for courthouses and court related space. Other needed and eligible court related projects and equipment will be funded from the Criminal Justice Facilities Construction Fund.

Allocation Process

It is the intent of the Board of Supervisors to establish an orderly process for prioritizing projects proposed for funding from the Courthouse Construction and Criminal Justice Facilities Construction Funds.

Project Criteria: New project priorities shall be established in order of the following criteria:

1. Capital project debt service, rents and lease payments have the highest priority.
2. Public or employee health/safety is threatened by existing or imminent conditions.
3. The County can expect to face serious financial harm (i.e. property damage, litigation, loss of revenue, code violation, contractual obligation, legislative action, etc.) if the request is not implemented in the current fiscal year.
4. The project can clearly demonstrate greater operational efficiency or effectiveness.

Process: To the extent possible, funding requests shall be considered during the annual budget process. County departments and the Courts requesting funding for capital projects, space remodeling, and modular buildings shall submit these requests to the Chief Administrative Officer for review and evaluation by the Capital and Space Planning Committee prior to submission to Penalty Assessment Funding Committee (PAFCO). This will allow for a more comprehensive and Countywide planning effort.

County departments and the Courts proposing automated information system projects shall submit their funding requests first to the Department of Information Services for review, evaluation and cost estimates. Requests should indicate why other available revenue sources cannot be used.

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The Department of General Services will be responsible for identifying, estimating costs, and prioritizing major maintenance projects and submission as part of the CAO Proposed Budget process.

Two separate accounts shall be established utilizing funds from Criminal Justice Facilities Construction (76101) entitled Unanticipated Maintenance Account (UMA). Funds from the UMA will be used for unexpected critical maintenance projects occurring for courts and the second account will be for other criminal justice needs. The account will receive annual minimum appropriations from the Criminal Justice Facilities Construction Fund. UMA funding shall not be used for remodel projects. If funding permits, a minor maintenance fund will be established to accommodate mid-year minor remodel projects not to exceed 10% of the UMA.

Allocation procedures: Projects proposed for funding will be submitted by departments and the Courts to the Chief Administrative Officer (CAO) as part of the budget process. Following a technical review by Information Services (automation projects) or the Capital and Space Planning committee, the proposed projects will be reviewed by Penalty Assessment Funding Committee (PAFCO) for recommendations to the CAO. The CAO will provide recommendations to the Board of Supervisors in the CAO Proposed Budget. Mid-year requests will be submitted to and reviewed by the responsible Deputy Chief Administrative Officer after the technical review described above and prior to submission to the Board of Supervisors.

Penalty Assessment Funding Committee (PAFCO): An advisory committee to the Chief Administrative Officer will be established to assist in the evaluation of the funding requests. The committee will meet at least annually and consist of the following departments:

District Attorney	Sheriff
Chief Probation Officer	General Services
Municipal Courts (4)	Superior Court

The responsible Deputy Chief Administrative Officer will chair PAFCO with staff support from the Chief Administrative Office. Staff will provide PAFCO a list of prioritized proposed projects, annual appropriations and available revenues, and current expenditures of approved projects at least annually.

Allocations: The Auditor will project the estimated revenues from penalty assessment s each year and will advise the CAO the dollar amounts that are available in each of the five major accounts established pursuant to the Government Codes 76000 - 76104.

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Interest earnings for the Forensic Lab and Emergency Medical Services Funds will be posted to that fund by the Auditor. Any project savings from completed projects or cancellations will be deposited in the Criminal Justice Facilities Construction Fund.

Projects not completed will be carried over automatically to the new fiscal year by the Auditor.

Sunset Date

This policy will be reviewed for continuance by 12-31-94.

Board Action

10/6/92 (3)

CAO Reference

1.Auditor

2.General Services